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APPLICATION NO.	FILIN	NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,486 12/19/2001		19/2001	Paul Andre Le Roux	5644P003	2383
20995	7590	08/31/2004		EXAMINER	
KNOBBE N		OLSON &	WILLIAMS, MARK A		
2040 MAIN FOURTEEN				ART UNIT	PAPER NUMBER
IRVINE, CA 92614				3676	
				DATE MAILED: 08/31/200/	i

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action    10028,486		Application No.	Applicant(s)					
Examiner   Mark A. Williams   3876	Advisory Action	10/028,486	ANDRE					
THE REPLY FILED 23 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandoment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filed amendment which places the application in condition for allowance. (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or b)]  The period for reply expires 3 months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. The period for reply expires 3 months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, no event, however, with the studency pend for reply expired so or 11 Am SIX MONTHS from the mailing date of the final rejection. The period for reply expires 3 months from the mailing date of the final rejection, one event, however, with the studency pend for reply expired the Am SIX MONTHS from the mailing date of the final rejection, whichever is later. In one event, however, with the studency pend for reply application that of the Am SIX MONTHS from the mailing date of the final rejection. The pend of the final rejection in the final rejection, whichever is later. In 180 SIX MONTHS from the mailing date of the final rejection. The pend of the final rejection and the corresponding amount of the fee. The appropriate extension and the corresponding amount of the fee. The appropriate extension and the corresponding amount of the fee. The appropriate extension from his pend and the final rejection, even if the pend of the final rejection from the final rejection of the pend of the final rejection. Pend of the final rejection of the pend of the final rejection and for search (see NOTE below);  (b) The proposed amendment(s) will not be entered because:  (a) The proposed amendment(s) will not be entered because:  (b) The p	Advicery Adden	Examiner	Art Unit					
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Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filled amendment which places the application in condition for allowance; (2) a timely filled Notice of Appeal (with appeal fee); or (3) a timely filled Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY [check either a) or b)]  The period for reply expires 3_months from the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, which were interested to the final rejection only Check THis 80 WiEN THE FIRST REPLY WAS FlateD WITHIN TWO MONITHS of the FIRNAL REJECTION. See MPEP 706.07(f).  PORTOR OF CHECK THIS 80 WIEN THE FIRST REPLY WAS FLIED WITHIN TWO MONITHS of THE FIRNAL REJECTION. See MPEP 706.07(f).  TOROTOR IN THE RINAL REJECTION. See MPEP 706.07(f).  Told A Notice of the set after for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.13(e) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in 37 CFR 1.13(e) is one with the period of the final rejection, even if timely field, may reduce any earned patent term adjustment. See 37 CFR 1.179(e)), to avoid dismissal of the final rejection, even if timely field, may reduce any earned patent term adjustment. See 37 CFR 1.179(e)), to avoid dismissal of the appeal.  2. The proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise the issue of new matter (see Note below);  (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they reside the final proper formation of the proposed or amended claim(s) without cancelling a corresponding	The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence add	ress				
a)  The period for reply expiresnonths from the mailing date of the final rejection. b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no evert, however, will be statutory period for reply expires on: (1) the mailing date of the final rejection. ONLY OFTER STOK WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS FOR THE FIRST REPLY WAS FILED WAS FIRST WA	Therefore, further action by the applicant is required to average final rejection under 37 CFR 1.113 may only be either: (1) condition for allowance; (2) a timely filed Notice of Appeal	roid abandonment of this applica a timely filed amendment whic	ation. A proper repl h places the applica	y to a ation in				
to period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REFLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 760.70(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the final rejection, even if timely filed, may reduce any earned patient term adjustment. See 37 CFR 1.704(b).  1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. The proposed amendment(s) will not be entered because:  (a) ★ they raise new issues that would require further consideration and/or search (see NOTE below);  (b) ★ they raise the issue of new matter (see Note below);  (c) ★ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ★ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: Applicant's reply has overcome the following rejection(s):  1. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  1. The ajfidavit, bj ← exhibit, or cj ← request for reconsideration has been considered but does NOT place the application in condition for	PERIOD FOR RE	PLY [check either a) or b)]						
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	10. ☑ Other: <u>See Continuation Sheet</u>	HI SUPER	RVISORY PATENT EX	AMINER				

Continuation of 10. Other: Although the amendments to claim 1 are consistent with the apparent allowable subject matter stated in the interview summary dated 7/22/04, the amendments to claim 11, as well as the newly added independent claims, raise new issues and would require further consideration..